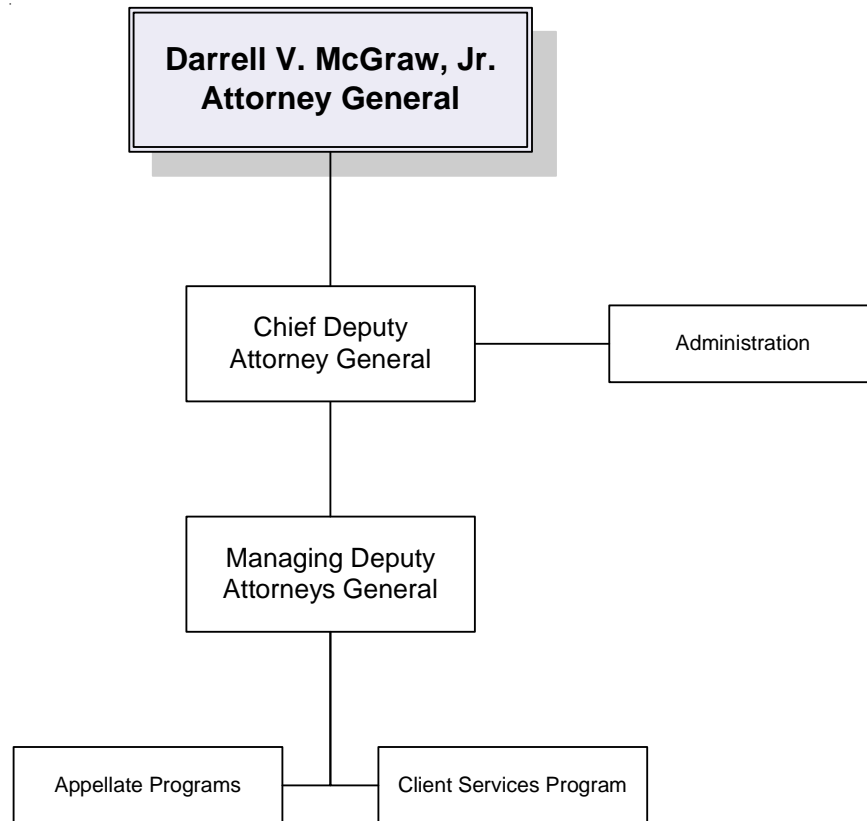


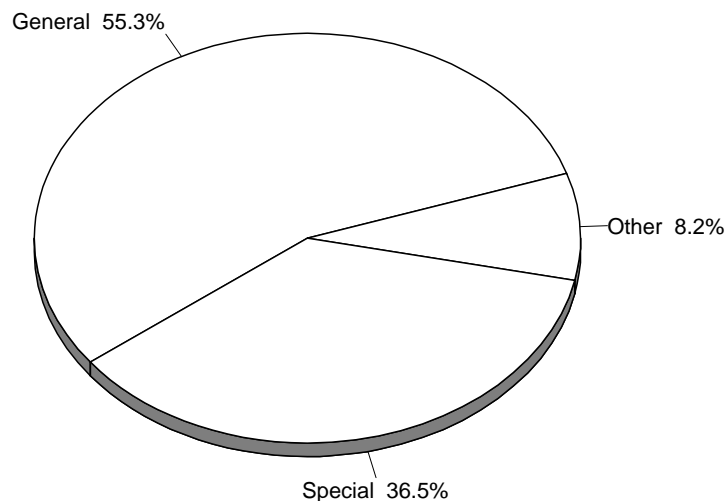
Attorney General



Attorney General
Revenues and Expenditures

Total Available Funds

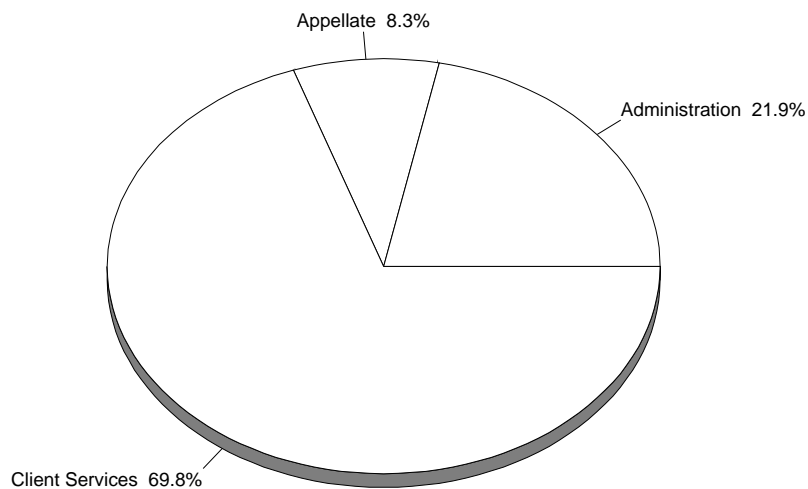
Fiscal Year 2005
\$6,319,785*
(Estimated)



*Beginning balance plus revenues

Recommended Expenditures by Division

Fiscal Year 2005
\$5,478,864



Attorney General

Mission

As the State's chief legal office, the Attorney General has a constitutional responsibility to provide legal counsel to State officials and entities.

In the case of *State v. Burton*, the West Virginia Supreme Court held that the inherent constitutional functions of this office include:

- Playing a central role in the State's day-to-day legal services;
- After meaningful consideration of the potential effects of the State's legal policies and positions, playing a central role in and ensuring the adoption and assertion of those policies and positions; and
- Expressing the Attorney General's legal view on matters of State legal policy generally and particularly before tribunals where the State is a party.

Operations

The current operations of the Attorney General's Office are accomplished by the following divisions, units, and assigned counsel:

Administration

- Management deputies provide management for all programs.
- Purchasing for the office's other programs.
- Billing for Client Services.
- Personnel and payroll for other programs.
- Accounting services for the Attorney General's office.
- Computer support for the office.
- Case Management for Client Services and Appellate Programs.

Appellate

- Appellate Program (criminal appeals and habeas corpus proceedings).
- Attorney General opinions.
- Attorney for State in matters before the Court of Claims.
- Contract Review Section including leases, bonds, deeds, FOIA responses and training, open meetings training, publications, and inquiries.
- Participation in the National Association of Attorneys General, including signing on to various amicus briefs to protect the State's interest in matters before federal appellate courts.

Client Services

- Public interest litigation through antitrust litigation or consumer representation.
- Services for state agencies include:
 - * Legal representation of Governor, Secretary of State, Division of Personnel, miscellaneous professional boards, and other officers and entities of State government as the need may arise.
 - * Informal responses to inquiries from local government officials.
 - * Civil rights representation for the citizens of West Virginia.
 - * Representation and counsel to various State agencies and State boards; including but not limited to, litigation defense, advice and counsel, legal opinions, and regulatory enforcement litigation. (Representation and counsel take two forms—attorneys assigned to agencies and hourly attorneys.)

Attorney General
Expenditures

	TOTAL FTE POSITIONS 11/30/2003	FY 2003 ACTUALS	FY 2004 BUDGETED	FY 2005 REQUESTED	GOVERNOR'S RECOMMENDATION
EXPENDITURE BY PROGRAM					
Administration	17.54	\$1,133,183	\$1,119,476	\$1,226,282	
Appellate	7.00	446,741	448,297	453,819	
Client Services	157.26	3,239,460	8,034,353	3,764,445	
Less: Reappropriated		(427,808)	(484,148)	0	
TOTAL BY PROGRAM	181.80	4,391,576	9,117,978	5,444,546	5,478,864
EXPENDITURE BY FUND					
General Fund					
FTE Positions		172.00	166.86	172.00	166.86
Total Personal Services		2,561,173	2,860,864	2,222,351	2,224,851
Employee Benefits		608,125	938,601	792,840	798,442
Other Expenses		759,803	475,075	443,315	469,531
Less: Reappropriated		(427,808)	(484,148)	0	0
Subtotal: General Fund		3,501,293	3,790,392	3,458,506	3,492,824
Federal Fund					
FTE Positions		0.00	0.00	0.00	0.00
Total Personal Services		0	0	0	0
Employee Benefits		0	0	0	0
Other Expenses		0	0	0	0
Subtotal: Federal Fund		0	0	0	0
Appropriated Special Fund					
FTE Positions		5.94	5.94	5.94	5.94
Total Personal Services		270,782	379,805	375,176	375,176
Employee Benefits		72,430	106,875	111,504	111,504
Other Expenses		132,373	982,260	982,260	982,260
Subtotal: Appropriated Special Fund		475,585	1,468,940	1,468,940	1,468,940
Nonappropriated Special Fund					
FTE Positions		0.00	9.00	9.00	9.00
Total Personal Services		0	81,000	81,000	81,000
Employee Benefits		0	19,000	19,000	19,000
Other Expenses		414,698	3,758,646	417,100	417,100
Subtotal: Nonappropriated Special Fund		414,698	3,858,646	517,100	517,100
TOTAL FTE POSITIONS BY FUND		177.94	181.80	186.94	181.80
TOTAL EXPENDITURES BY FUND		\$4,391,576	\$9,117,978	\$5,444,546	\$5,478,864

Attorney General
Programs

Administration Program

Mission

To provide administrative support to the other programs in the Attorney General's office. This includes seeing the office is funded to carry out its constitutional charge, necessities are purchased, employees get paid, employees are adequately informed of benefits, the office is appropriately staffed to carry out the mission, and other support services are provided in an efficient and effective manner.

Goals/Objectives

- Reduce turnover and facilitate productive, long-term, attorney-client relationships.

Performance Measures

<u>Fiscal Year</u>	<u>Actual 2001</u>	<u>Actual 2002</u>	<u>Estimated 2003</u>	<u>Actual 2003</u>	<u>Estimated 2004</u>	<u>Estimated 2005</u>
Attorney turnover	15	16	13	12	10	10

Appellate Program

Mission

To provide legal representation for the State of West Virginia in criminal cases. The Appellate Program issues Attorney General opinions as to matters of law on a timely basis; efficiently and effectively review contracts, leases, bonds, and deeds; meets all court deadlines on FOIA responses; and provides effective training and information on open meeting requirements.

Goals/Objectives

- Successfully defend the State in criminal appeals before the West Virginia Supreme Court of Appeals and the United States Supreme Court.
- Continue our 100% successful representation of the State in postconviction habeas corpus proceedings in the Supreme Court of Appeals and the federal courts.

Performance Measures

<u>Fiscal Year</u>	<u>Actual 2001</u>	<u>Actual 2002</u>	<u>Estimated 2003</u>	<u>Actual 2003</u>	<u>Estimated 2004</u>	<u>Estimated 2005</u>
Cases filed (habeas and appeals)	87	76	87	84	87	82
Cases dismissed or affirmed	61	34	60	31	60	42
Cases reversed or remanded	17	15	14	6	14	13
Cases stayed or undecided	9	27	13	47	13	28

Client Services Program

Mission

The mission is to provide efficient and effective legal representation, counsel, and regulatory actions, to and for the various State agencies and boards, to ensure and defend the state's citizens' civil rights, and public interest litigation that protects businesses and consumers in West Virginia.

Attorney General Programs

Goals/Objectives

- Provide superior legal representation to the various State agencies and boards.
- Enforce the antidiscrimination provisions of the West Virginia Human Rights Act and West Virginia Fair Housing Act through effective litigation of complaints filed with the West Virginia Human Rights Commission that have been found to have probable cause.
- Bring legal actions under sections one and two of the Sherman Act and under the Clayton Act to ensure open competitive markets in West Virginia that protect West Virginia businesses and consumers.
- Provide quality consumer protection through the office's voluntary problem mediation and various forms of legal action to protect consumers and businesses in West Virginia.
- Regulate and help guarantee preneed funeral arrangements.

Performance Measures

- ✓ Received the 2003 Pioneer Award for leadership in consumer protection from the Association of Trial Lawyers of America.

<u>Fiscal Year</u>	<u>Actual 2001</u>	<u>Actual 2002</u>	<u>Estimated 2003</u>	<u>Actual 2003</u>	<u>Estimated 2004</u>	<u>Estimated 2005</u>
Number of attorneys assigned to agencies	37	38	N/A	38	41	41
Revenue (damages) from civil rights lawsuits (in thousands)	N/A	\$709	N/A	\$1,000	\$856	\$856
Number of civil rights cases	116	74	N/A	69	90	90
Revenue (damages) from antitrust lawsuits (in thousands)	\$682	\$270	\$5,200	\$3,741*	\$228	\$475
Tobacco litigation (in millions)	\$55.6	\$0.8	N/A**	\$65.0	N/A**	N/A**
Revenue (damages) from consumer protection lawsuits exclusive of tobacco litigation (in millions)	\$9.2	\$1.0	\$0.0	\$2.0	\$0.4	\$0.4
Annualized revenue from consumer protection assurances*** (in millions)	\$1.2	\$0.8	\$1.0	\$0.4	\$0.4	\$0.5

* In addition to smaller receipts, the Antitrust Program brought in approximately \$1.3 million in the Mylan cash settlement that was distributed to PEIA and consumer refunds. Of approximately \$1.9 million in cash settlements from vitamin companies, \$1 million was distributed to the West Virginia Department of Health and Human Resources to match \$3 million federal dollars for dental services for TANF adults.

** Tobacco revenues cannot be estimated.

*** An assurance is a case settled without a lawsuit being filed.